IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:20-CV-411-RJC-DCK

MICHAEL ALLEN,)
Plaintiff,)
v.) ORDER
USA HOIST COMPANY, INC., GILBANE,)
INC., CAROLINA ELEVATOR SERVICE, INC., and GILBANE BUILDING COMPANY,)
Defendants.)
	_)

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Motion For The Production Of Records From The North Carolina Department Of Labor And For Entry Of A Protective Order" (Document No. 36) filed May 13, 2021. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting the consent of Defendants, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion For The Production Of Records From The North Carolina Department Of Labor And For Entry Of A Protective Order" (Document No. 36) is **GRANTED**. The North Carolina Department of Labor ("DOL") shall, within ten days of the date of receipt of this Order, produce to Plaintiff the following materials from its investigation into the death of Juventino Mata Hernandez on May 23, 2018, pursuant to the Protective Order entered in this case (Document No. 37):

- a. The unredacted investigation and citation report;
- b. Unredacted copies of any interviews with persons regarding the fatality;

c. Any still photographs taken at the scene;

d. Any video footage, including drone footage of the hoist and scene;

e. Any photographic and video footage of any inspection of the hoist; and

f. Any data related to the operation of the hoist and its failure.

IT IS FURTHER ORDERED that the produced documentation shall be subject to the

Protective Order (Document No. 37) entered in this case.

IT IS FURTHER ORDERED that the DOL shall mark as "Confidential – Subject to

Protective Order" any documents it wishes to be subject to the Protective Order.

IT IS FURTHER ORDERED that immediately upon Plaintiff's receipt of the DOL

documentation, the Plaintiff shall provide copies of such to the Defendants in this action.

IT IS FURTHER ORDERED that the case deadlines are revised as follows: discovery

completion – June 24, 2021; mediation – July 7, 2021; dispositive motions – July 24, 2021.

IT IS FURTHER ORDERED that the parties shall provide the North Carolina

Department of Labor with a copy of this Order by May 19, 2021.

SO ORDERED.

Signed: May 17, 2021

David C. Keesler

United States Magistrate Judge